

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BEAR RIVER BAND OF ROHNERVILLE  
RANCHERIA, a federally recognized Indian  
Tribe,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 1:20-cv-01539-ADA-SKO

ORDER GRANTING PARTIES' JOINT  
STIPULATION FOR APPOINTMENT OF  
MEDIATOR SCOTT BALES; REQUIRING  
THE PARTIES TO SUBMIT THEIR LAST  
BEST OFFERS FOR A COMPACT


The parties have jointly agreed to retired Chief Justice of the Arizona Supreme Court Scott Bales as the mediator pursuant to 25 U.S.C. § 2710(d)(7)(B)(iv). (ECF No. 90.)

Within ten days of this order, each party is directed to submit to the mediator “a proposed compact that represents their last best offer for a compact.” 25 U.S.C. § 2710(d)(7)(B)(iv). The mediator “shall select from the two proposed compacts the one which best comports with the terms of [IGRA], . . . any other applicable Federal law[,] and with the findings and order,” (ECF No. 86), of this Court. *Id.* Once the mediator selects a compact as directed, he “shall submit [the selected compact] to the State and the Indian tribe.” *Id.* at § 2710(d)(7)(B)(v). “If [the] State consents to a proposed compact during the 60-day period beginning on the date on which the proposed compact

1 is submitted by the mediator to the State under clause (v), the proposed compact shall be treated as  
2 a Tribal-State compact entered into under [§ 2710(d)(3)].” *Id.* at § 2710(d)(7)(B)(vi). “If the State  
3 does not consent during the 60-day period described [above] to [the] proposed compact submitted  
4 by [the mediator to the State], [he] shall notify the Secretary” of the Interior. *Id.* at §  
5 2710(d)(7)(B)(vii). The Secretary of the Interior, in consultation with the Tribe, shall then prescribe  
6 procedures for operation of class III gaming by the Tribe that are consistent with the compact  
7 selected by the mediator, the provisions of IGRA, and the laws of the State. *Id.*

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9  
10 IT IS SO ORDERED.

11 Dated: July 5, 2023

  
UNITED STATES DISTRICT JUDGE